

**Remarks**

**Examiner Interview Summary**

The applicants thank Examiner Belani for the telephonic interview conducted with the applicants' representative, Chad A. Pahnke, on December 22, 2008. The interview was generally focused on claim 1 with respect to the applied prior art. While no specific agreement regarding patentability was reached, the undersigned appreciates the examiner's professionalism and assistance in advancing prosecution of the above-referenced application.

**Applicants' Remarks**

The applicants have carefully considered the Office action dated September 29, 2008, and the art applied therein. By way of this response, claims 1, 6, and 13 have been canceled, and claims 22-25 can be found in FIGS. 1 and 2, and paragraphs [0016] – [0020]. The applicants respectfully submit that no new matter has been added. Claims 2-4, 7, 8, 11, 12, 14-18, 20, and 21 have been amended. Accordingly, claims 2-5, 7-12, and 14-25 are pending in the application, of which claims 22, 23, 24, and 25 are independent. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

**The Rejections under 35 U.S.C. § 103(a)**

The Office action rejected claim 1 as unpatentable over a combination of Saussy (U.S. 5,936,963), Lee, et al. (U.S. P.G. Publication 2004/0213252) ('Lee'), and Baum, et al. (U.S. 6,904,054) ('Baum'). Additional claims were rejected using further combinations of Redfern (U.S. P.G. Publication 2003/0198217), White, et al. (U.S. P.G. Publication 2005/0025175), Deng (U.S. 6,243,394), and Olshansky, et al. (U.S. 6,061,357).

Claim 22 recites, *inter alia*, communicating a subscriber data communication between a first point of service and the Ethernet network via two or more of the aggregated asymmetric Ethernet connections. The applicants respectfully submit that none of the applied

art describes or suggests communicating a subscriber data communication between a first point of service and the Ethernet network via two or more of the aggregated asymmetric Ethernet connections.

Saussy does not describe communicating a subscriber data communication between a first point of service and the Ethernet network via two or more aggregated asymmetric Ethernet connections. Instead, Saussy describes providing Ethernet service via asymmetric full-duplex circuits. It is respectfully submitted that the asymmetric full-duplex circuits of Saussy are not aggregated asymmetric Ethernet connections.

The Office action asserts that the ADSL Access Multiplexer (DSLAM) 50 of Lee is capable of receiving a plurality of ADSL signals from Ethernet customer terminals 10 and converting the ADSL signals to Ethernet frame signals for direct transfer via the Ethernet switch 60 to the network 3. See Office action, page 5. However, the DSLAM 50 of Lee multiplexes multiple connections from corresponding subscribers onto one larger connection. Lee does not describe communicating a subscriber data communication between the point of service and the Ethernet network via two or more of the aggregated asymmetric Ethernet connections and, further, cannot show such a recitation. To the contrary, Lee shows the DSLAM 50 coupled to individual subscriber residences, or points of service, which is not capable of communicating a subscriber data communication between a first point of service and the Ethernet network via two or more aggregated asymmetric Ethernet connections, because each point of service in Lee has access to only one asymmetric connection.

Baum also does not show communicating a subscriber data communication between the first point of service and the Ethernet network via two or more of the aggregated asymmetric Ethernet connections. Rather, Baum describes substantially the same configuration as that of Lee discussed above. Baum multiplexes several slow connections from a corresponding number of subscriber locations onto a connection having a larger

bandwidth to maximize the usage of the available bandwidth. This is not the claimed subscriber data connection over two or more aggregated asymmetric Ethernet connections.

Thus, it is respectfully submitted that none of Saussy, Lee, or Baum show communicating a subscriber data connection over two or more aggregated asymmetric Ethernet connections, and no combination thereof can teach the recitations of claim 1.

The applicants further submit that none of Redfern, White, Deng, or Olshansky describe or suggest communicating a subscriber data communication between the first point of service and the Ethernet network via two or more of the aggregated asymmetric Ethernet connections. For at least these reasons, the applicants respectfully submit that claim 1, and all claims depending thereon, are allowable over the prior art.

For at least the reasons discussed with respect to claim 22, the applicants respectfully submit that claims 23, 24, and all claims depending thereon, are also allowable over the prior art.

Claim 25 recites, *inter alia*, receiving a first subscriber data communication from one of the subscriber locations, transmitting a first portion of the first subscriber data communication via a first one of the plurality of ADSL connections and a second portion of the subscriber data communication via a second one of the plurality of ADSL connections, wherein the transmitting the first and second portions occurs at a first transmission rate, and aggregating the first and second portions of the first subscriber data communication from the first and second ADSL connections for communication with the Ethernet network. The applicants respectfully submit that none of the applied art describes or suggests the recitations of claim 25. For at least these reasons, the applicants respectfully submit that claim 25 is allowable over the prior art.

**Conclusion**

Reconsideration of the application and allowance thereof are respectfully requested.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,  
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/Chad A. Pahnke/

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